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*Co-Counsel for Federal Insurance Company*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ABC INDUSTRIAL LAUNDRY, LLC, a  
Nevada limited liability company, dba  
UNIVERSAL LAUNDRY AND SUPPLY

Plaintiff,

V.

FEDERAL INSURANCE COMPANY, an Indiana corporation; NATIONWIDE MUTUAL INSURANCE COMPANY, an Ohio corporation,

## Defendants.

CASE NO. 2:15-cv-869-RFB-VCF

**THE PARTIES' STIPULATION AND  
ORDER TO EXTEND DISCOVERY,  
REVISE THE DISCOVERY PLAN  
AND AMEND THE SCHEDULING  
ORDER**

## (Twelfth Request)

Plaintiff ABC Industrial Laundry, LLC, by and through its attorney Steven J. Parsons of

1 Law Office of Steven J. Parsons; Defendant Federal Insurance Company, by and through its  
2 attorneys, Amy M. Samberg, Esq. and Dylan P. Todd, Esq. of the law firm of Foran Glennon  
3 Palandech Ponzi & Rudloff PC, and Brian Goldman and James Silvestri of the law firm of Pyatt  
4 Silvestri; and Defendant Nationwide Mutual Insurance Company, by and through its attorneys  
5 Marc Hines and Christine Emanuelson of the law firm Hines Hampton Pelanda, LLP in the above-  
6 entitled case, hereby stipulate and request that the Court enter an order (1) vacating the current  
7 deadlines to complete depositions, file dispositive motions, and file the parties' joint pretrial order  
8 pending completion of a mediation scheduled for February 28, 2020; and (2) setting a deadline of  
9 March 20, 2020, for the parties to file a joint report on the outcome of the February 28, 2020  
10 mediation and, to the extent the case is not resolved, submit a revised discovery plan setting forth  
11 deadlines to complete the remaining depositions set forth herein, file dispositive motions, and file  
12 the joint pretrial order.

13 This will be the parties' twelfth (12<sup>th</sup>) request. This request comes as a result of a recent  
14 agreement to mediate this matter along with the related state court action *ABC v. Christeyns*, Case  
15 No. A-15-720810-C in the Eighth Judicial District Court, Clark County, Nevada, ("State Action"),  
16 which mediation is scheduled to take place before Hon. Peggy Leen (Ret.) at JAMS in Las Vegas  
17 on February 28, 2020. As such, the parties make this stipulation so as to not prejudice the parties'  
18 ability to complete their discovery of this matter while conserving efforts, costs, and expenses that  
19 might be better appropriated to potential case resolution.

20 Pursuant to Local Rule 26-4, the parties state as follows:

21 **I. NATURE OF THE CASE**

22 Plaintiff ABC Industrial Laundry, LLC ("ABC") is a commercial laundry that specializes  
23 in laundering linens from high end resorts in Las Vegas, NV. At the time of the dispute, ABC's  
24 client was the Wynn Resort ("Wynn") of Clark County, Nevada. This case is an action by ABC  
25 against Defendants stemming from a loss suffered by Wynn as ABC's customer related to the  
26 alleged negligence of ABC's chemical supplier, Christeyns Laundry Technology, defendant in the  
27 State Action.

28 ABC alleges that there is coverage for the losses – both to indemnify the losses paid by

1 ABC to the Wynn as well as ABC's own losses – within insurance policies issued by both  
2 Defendants. Both Defendants deny that coverage exists.

3 The case involves multiple complex insurance coverage issues and damages claimed, and  
4 requires significant discovery of numerous party witnesses, as well as numerous third-party  
5 witnesses. In ABC's most recent June 14, 2019 supplemental disclosures, ABC claims damages in  
6 excess of \$15,131,551.34 against Defendants, which damages Defendants dispute.

7 **II. DISCOVERY COMPLETED TO DATE**

8 On August 1, 2019 the Court granted the parties' eleventh request for discovery extension.  
9 (ECF No. 87<sup>1</sup>) setting the following deadlines:

<b>EVENT</b>	<b>CURRENT DEADLINE</b>
Deadline to complete deposition discovery	February 1, 2020
File and Serve Dispositive Motions	March 15, 2020
File Joint Pretrial Order	April 15, 2020

15 Among the discovery that has taken place to date in the case is the following:

- 16 (1) Exchange of Fed. R. Civ. P. 26(a)(1) Initial Disclosures, including documents, and  
17 supplemental disclosures;
- 18 (2) The Parties have exchanged written discovery, including requests for admissions,  
19 requests for production of documents, and interrogatories, with written discovery still  
20 ongoing;
- 21 (3) A stipulated protective order was entered on September 22, 2016, to facilitate the  
22 discovery and production of documents deemed confidential, proprietary or otherwise  
23 trade secret by the producing party, including certain Non-Parties who have indicated  
24 they cannot produce documents in response to document subpoenas without a protective  
25 order in place;
- 26 (4) To date, document subpoenas have been served on the following Non-Parties:

27 \_\_\_\_\_  
28 <sup>1</sup> A detailed explanation of the procedural history regarding previous discovery extensions is  
contained therein and is incorporated by reference.



disclosures/reports on May 6, 2019.

(9) The parties have completed the following fact witness depositions:

- a. Rule 30(b)(6) designee for Christeyns Laundry Technology, Rudi Moors, on August 15, 2017 and August 16, 2017 in Boston, MA, and on November 28, 2018 in Las Vegas, NV;
- b. Rule 30(b)(6) designee for Wynn Las Vegas, LLC, on March 9, 2018 and April 13, 2018;
- c. Ran Brisman of ABC, noticed and set in the related state court action, as to ABC's policies and practices related to document retention only.
- d. Dov Brisman of ABC, taken on December 5, 2019.
- e. Jim Smail of ABC, taken on November 13, 2019.
- f. Kevin Clendening of ABC, taken on November 12, 2019.
- g. Ran Brisman, as Rule 30(b)(6) representative of ABC in this action was taken on November 4 and November 5, 2019.
- h. David Chesnoff of ABC, taken on November 7, 2019.
- i. Frank Campagna, taken on November 6, 2019.

## **II. THE REMAINING DEPOSITIONS THE PARTIES WISH TO TAKE**

At the time discussions commenced about the parties in this case potentially attending mediation with the related State Action, the following additional depositions had been noticed:

1. Defendants' deposition of ABC's expert witness Cecilia Miller;
2. Defendants' deposition of ABC's expert witness Sam Garafalo;
3. Defendants' deposition of the Rule 30(b)(6) designee for Brown & Brown Northwest, ABC's insurance agent, in Oregon;
4. Defendants' deposition of Rule 30(b)(6) designee for CR Systems, the entity retained by ABC to respond to the Wynn's damages claims;
5. Defendants' depositions of Kobi Levy, Moshe Levy, and Yuda Levy, former managers and/or owners of ABC;
6. ABC's deposition of David Davis, claims representative for Defendant Nationwide Mutual

1                   Insurance Company; and

2     7. ABC's depositions of Charles A. Short, Colin J. O'Reilly, and Douglas Rothman, claims  
3                   representatives of Defendant Federal Insurance.

4                   In an effort to focus efforts toward mediation and potential resolution of this matter, the  
5                   parties seek to stay completion of these previously noticed depositions, some of which require  
6                   travel for parties and/or witnesses, until after completion of the February 28, 2020 mediation and  
7                   reschedule any of the depositions, as necessary, if the case does not resolve at mediation.

8     **III. REASONS WHY THE DEPOSITIONS CANNOT BE COMPLETED WITHIN THE  
9                   CURRENT SCHEDULE**

10                  On July 29, 2019, the Court in the State Action issued a revised scheduling order directing  
11                  the parties to complete mediation by February 28, 2020. Mediation was subsequently scheduled  
12                  with Hon. Peggy Leen (ret.) at JAMS for Friday, February 28, 2020.

13                  On January 17, 2020, Federal reached an agreement with ABC and the parties in the State  
14                  Action to participate in the mediation to resolve the claims against it. Nationwide is currently  
15                  evaluating their potential participation in this mediation. Notwithstanding all parties are in  
16                  agreement that discovery in this matter should be stayed pending the outcome of the mediation.  
17                  This includes the depositions as outlined in para. II, above. In the event that mediation is  
18                  unsuccessful, the parties need sufficient time to coordinate the remaining depositions of these out-  
19                  of-state witnesses.

20                  The parties, therefore, propose and request the opportunity to submit a status report on the  
21                  outcome of the February 28, 2020 mediation on or before March 20, 2020, wherein the parties will  
22                  advise the Court if a settlement has been reached between all, or any, of the parties in this action,  
23                  and, if any claims remain, provide the Court with a revised discovery plan to complete the necessary  
24                  remaining depositions, file dispositive motions, and file the joint pretrial order. This will allow the  
25                  parties to continue any settlement discussions following the February 28, 2020, if necessary, and  
26                  coordinate the remaining depositions and corresponding travel associated with the depositions. The  
27                  purpose of this stipulation is to allow the parties to complete discovery, and, at the same time, allow  
28                  the parties to conserve costs in an effort to resolve the case at mediation.

1      **VI. PROPOSED REVISED ORDERS**

2            WHEREFORE, and pursuant to the above, the parties respectfully request that this Court  
3 vacate the pending discovery and pre-trial deadlines and enter an order setting a deadline of March  
4 20, 2020, by which the parties are to submit a Joint Status Report on the outcome of the February  
5 28, 2020 mediation and, if necessary, a Revised Discovery Plan to (1) complete the remaining  
6 depositions; (2) file and serve dispositive motions; and (3) file the Joint Pretrial Order.

7

8            DATED: January 31, 2020

9            LAW OFFICE OF STEVEN J. PARSONS

10

11          By: /s/ Steven Parsons  
12          Steven J. Parsons  
13          10091 Park Run Dr., Suite 200  
14          Las Vegas, NV 89145  
15          *Attorneys for ABC Industrial Laundry*

16            DATED: January 31, 2020

17            PYATT SILVESTRI

18

19          By: /s/ Brian Goldman  
20          James P.C. Silvestri  
21          Brian W. Goldman  
22          PYATT SILVESTRI  
23          701 Bridger Avenue, Suite 600  
24          Las Vegas, NV 89101  
25          *Co-counsel for Federal Insurance Company*

1            DATED: January 31, 2020

2            HINES HAMPTON PELANDA, LLP

3

4          By: /s/ Christine Emanuelson  
5          Christine Emanuelson  
6          400 South 4<sup>th</sup> Street, Suite 500  
7          Las Vegas, NV 89101  
8          *Attorneys for Nationwide Mutual Insurance Co.*

9            DATED: January 31, 2020

10            FORAN GLENNON PALANDECH PONZI  
11            & RUDLOFF PC

12

13          By: /s/ Dylan Todd  
14          Amy M. Samberg  
15          400 East Van Buren Street, Suite 550  
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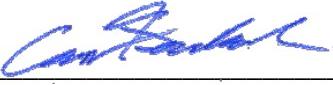
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4 **ORDER**  
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7 **IT IS SO ORDERED.**  
8  
9

10 Dated: February 3, 2020.  
11  
12

13   
14 U.S. MAGISTRATE JUDGE  
15  
16

17 **CERTIFICATE OF SERVICE**  
18  
19

20 I certify that a copy of the foregoing **STIPULATION TO EXTEND DISCOVERY**  
21 **FOR LIMITED PURPOSE THE PARTIES' STIPULATION AND (PROPOSED) ORDER**  
22 **TO EXTEND DISCOVERY, REVISE THE DISCOVERY PLAN AND AMEND THE**  
23 **SCHEDULING ORDER (Twelfth Request)** was served by the method indicated:  
24

- 25  **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic  
26 service upon the Court's Registered Service List for the above-referenced case.  
27  
 **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of  
28 the individual(s) listed below.

29 Dated: January 31, 2020.  
30  
31

32   
33 An Employee of Foran Glennon  
34  
35  
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